

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

AMERICAN-ARAB ANTI-  
DISCRIMINATION COMMITTEE,  
et al.

Plaintiffs,

V.

MASSACHUSETTS BAY  
TRANSPORTATION AUTHORITY

CIVIL ACTION NO. 04-CV-11652(GAO)

**AFFIDAVIT OF JOHN A. MARTINO**

I, John A. Martino, Deputy Chief of the Massachusetts Bay Transportation Authority ("MBTA") Police, depose and say the following:

1. For the past 25 years, I have been a member of the MBTA Police. As Deputy Chief, I am the Division Commander responsible for uniform patrol operations. There are approximately 190 uniformed patrol officers employed by the MBTA, and I am responsible for developing and implementing the Department's overall patrol operations.

2. The MBTA Police have jurisdiction in 175 cities and towns in the Commonwealth of Massachusetts. However, much of our work focuses on the 75 stations, plus related buses and commuter rail, serving Greater Boston.

3. The Department of Homeland Security has placed the nation on threat level yellow. However, because of the heightened sense of concern for large public events in this country and the Secretary of Homeland Security's designation of the Democratic and Republic National Conventions as National Special Security Events, the

MBTA Police have implemented emergency deployment procedures consistent with threat level red. Specifically, all officers are working 12-15 hour shifts, and all time-off is cancelled. The full compliment of 230 officers plus 35 officer recruits are deployed at MBTA transit facilities in numbers sufficient to provide as much security as our force is capable of providing.

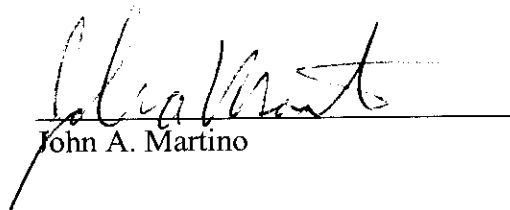
4. On July 16, 2004, the MBTA police issued General Order No. 2004-19 entitled "Security Inspection Program". A copy of the General Order is attached to the Affidavit of Lewis P. Best, filed herewith. Pursuant to the General Order, all MBTA passengers are subject to security inspections of their handbags, briefcases, and other carry-on items. In accordance with the provisions of the General Order, I assign three officers and a supervisor to the locations where security inspections will be conducted and provide the supervisor with a specified range of the frequency of individuals subject to security inspection. For example the range may be nine to twelve meaning that no more than every ninth person and no less than every twelfth person may be searched. I inform the supervisor that the inspection frequency number may be changed after an hour but no more than once per hour so long as the number remains within the designated range. The range may differ from day to day depending on the existing DHS alert level and current intelligence information.

5. There are two exceptions to this procedure during the Democratic National Convention (DNC). At Haymarket and Community College Stations on the Orange Line, officers are instructed to inspect the handbags, briefcases and carry-on items of every passenger on the trains that will be passing through North Station. The reason for this exception is that northbound trains leaving from Haymarket and southbound trains

leaving from Community College pass directly under the Fleet Center, the location of the Democratic National Convention. The United States Secret Service has issued a directive that all persons nearing the Fleet Center must be searched. Therefore, any passengers travelling on the Orange line must be screened before the train nears the Fleet Center. The other exception relates to MBTA buses traveling on Route 93 during the period when the roadway has been closed for security purposes by the United States Secret Service due to its vicinity to the Fleet Center. Although the roadway is closed, an exception has been permitted for MBTA buses carrying passengers along this route provided that each bus has a certification in the window which indicates (a) that it has been subject to a security inspection and (b) that all carry-on items of passengers on the bus have also been subject to security inspection.

6. All of these assignments and activities are designed to disrupt any planned terrorist activity and to provide as much protection as possible to persons using the transit system.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 26<sup>TH</sup>  
DAY OF JULY, 2004



John A. Martino